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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
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12 JEFFERSON SISON,) Civil No. 09-cv-1185-BEN (WVG)
13)
14) Petitioner,) ORDER DENYING ISSUANCE OF A
15)
16) v.) CERTIFICATE OF APPEALABILITY
17)
18) LARRY SMALL, Warden.)
19)
20) Respondent.)
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18 *Pro se* Petitioner Jefferson Sison filed a petition for a writ of habeas corpus under 28 U.S.C.
19 § 2254. The Magistrate Judge recommended denying the petition. The Report and Recommendation
20 was adopted on November 18, 2010. On November 30, 2010, Petitioner filed a notice of appeal. He has
21 not requested a certificate of appealability for any of the claims presented in his Petition. “[I]f the
22 prisoner neglects to request a certificate of appealability before going forward, the court of appeals can
23 grant him one *sua sponte*.” *Hayward v. Marshall*, 603 F.3d 546, 554 (9th Cir. 2010) (en banc, abrogated
24 on other grounds by *Swarthout v. Cooke*, 502 U.S. ___, 2011 WL 197627 (Jan. 24, 2011) (per curiam).
25 Here, however, the case has been remanded for the limited purpose of granting or denying the
26 certificate. *See* Order of March 2, 2011, Appeal No. 10-57045.
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